Supreme Court, U.S.
FILED
SEP 26 2005
OFFICE OF THE CLERK

No. : 05-890

In the
Supreme Court of the United States

JOHN ALBERT STEEL,

Petitioner,

v.

DEPARTMENT FOR THE AGING OF THE CITY OF NEW YORK, STATE OF NEW YORK, and CLASSIC REALTY, by HARRY MACKLOWE, Principal, and RAM I, LLC, by ABY ROSEN, Principal,

Respondents.

ON PETITITON FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS, STATE OF NEW YORK NO. 441, JUNE 29, 2005 AND THE APPELLATE DIVISION, FIRST DEPARTMENT, ON INDEX NUMBER 100951/03, NEW YORK COUNTY, JANUARY 20, 2005

PETITION FOR WRIT OF CERTIORARI

JOHN ALBERT STEEL, PRO SE
Counsel of Record, pro se
215 East 73rd St. Apt. 3 E
New York, NY 10021
(646) 206-4917

DICK RAILEY SERVICE (212) 608-7666 (718) 522-4363 (516) 222-2470 (914) 682-0848 Fax (718) 522-4024

QUESTIONS PRESENTED FOR REVIEW

1. If the facts and the law change from the inception of the case through the appellate review, should the final facts and law be used to decide the case?

2. If a state statute allows voters in a region of the state of not affected by said state stature, to vote for legislators who determine the rights of voters in another region of the state who are affected by said state statue, is said state statute unconstitutional under the rule that no state can make and enforce any law that does not give equal justice to all residents of the state?

3. Are principals of entities which have profited from an application of an unconstitutional state statute, liable to refund those benefits with interest?

4. Does the principle of sovereign governmental immunity, inability of an citizen to sue a city or state for relief, prevent a citizen from [illegible]ng for relief where damages are demonstra

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Kelo v. City of New London,
162 Law. ED. 2d 439 5

STATUTES AND RULES

Article XIV, Section 1, U.S. Constitution

New York State Statute, 1971 Unconsolidated Law Section 8605, Local Emergency Housing Rent Control Act, Section 5, popularly referred to as the "Urstadt Law" in New York State

Federal Statute 42 USC Section 2000, Civil Rights Act of 1964 mandating a fair and equal resolution of citizens of a state's voting rights.

Rules of the U.S. Supreme Court, Rule 14, 1 (g) (i) showing that a federal question which is timely and properly raised will enable this Court to consider jurisdiction to review a state judgment on a petition for a writ of certiorari, and

Rule 10, Considerations governing review on certiorari, the character of the reasons the Court considers in its judicial discretion, (c) a state court decided an important question of federal law that has not been, but should be, settled by this Court because it affects the rights not only of residential New York City, but also any other cities and states throughout the country either which have housing rent control now, or which may be considering adopting housing rent controls in the future.

Rule 14, 5, if the Clerk determines that a petition submitted timely and in good faith is in a form that does not comply with this rule or with Rule 33 or Rule 44, the Clerk may return with it a letter indicating its deficiencies. A corrected petition form the Petitioner then received no more than 60 days after the date of the Clerk's letter will be deemed timely for a Petition for a Writ of Certiorari.

CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS OF OPINIONS AND ORDERS ENTERED IN THE CASE

1. Order of Supreme Court, Appellate Division, First Department, State of New York, January 20, 2005, Appendix B, denying constitutional challenge to the "Urstadt law" but thereby confirming that a constitutional federal challenge has thereby been raised qualifying consideration for a U.S. Supreme Court petition for a writ of certiorari under U.S. Supreme Court Rule 14 (1) (g) (i)

2. Order of William A. Wetzel, J, New York County, State, New York, entered on June 16, 2003, dismissing proceeding brought by Appellant who had "purchased" judicial intervention by paying a fee after Respondent Department of Aging, City of New York denied his "appeal" to it under their procedures, which Appellant followed a procedural form which left him only the alterative selecting "mandamus" as a possible relief, and which drew an assigned index no. 100951/03 in the state lower court; this Order of Justice Wetzel, J. was then appealed by the Appellant to the Appellate Division of state court, which dismissed his appeal, see Appendix C

3. Order of the Court of Appeals, State of New York, June 29, 2005, Appendix D, not dismissing any appeal to it on Order No. 2 of the Appellate Division, but denying Appellant's Motion No. 441 of 2005 for leave to appeal to the Court of Appeals after consideration of adversarial papers filed thereof in opposition, by the Department of Aging of the City of New York by its

Corporation Counsel and the State of New York by its Attorney General, deciding the April 30, 2005 motion for permission to appeal denying it, Appendices E and F.

STATEMENT OF THE BASIS FOR JURISDICTION

State courts, both the Court of Appeals and before that the Appellate Division, First Department of the State of New York, have decided questions of federal law that have not been to this date, but should be, settled by the U.S. Supreme Court, Rule 10 (c), including the question of sovereign immunity hearing a suit by a citizen against a city and state of that citizen for damages that should be paid the citizen under equity.

CONSTITUTIONAL PROVISIONS

The Fourteenth amendment, section 1 to the Constitution provides that no state shall make or enforce any law that gives unequal protection to different citizens of the state.

STATEMENT OF THE CASE

A City of New York agency of the State of New York delegated to grant or deny preferential rent privileges to senior citizens, denied said privileges to the appellant although both his income and the state law were later changed so as to make appellant eligible for those privileges. Because of said changes, Appellant appeals for a refund of such of the excess rents he paid and is paying monthly as is applicable to the changes of his income and the state law of eligibility, with

interest, that he has paid and continues to pay to the principals, HARRY MACKLOWE and ABY ROSEN, for their benefit and profit, and later to their deductions from their City of New York property taxes, as the SCRIE agency law allows.

A provision of the agency's regulations, Appendix G, provides for the circumstance of change in earnings lowering income, and by substitution of changes in state laws increasing allowable income, Appendix H and Appendix I, "Albany update" September 2005, from Appellant's state senator Liz Krueger which show that allowable income limits for senior citizens (appellant is 80 January, 2006) has been raised to $24, 000 for 2004 and $25, 000 for 2005.

Appellant's 2004 U.S. income tax return is Appendix J demonstrates the rationale for the appeal relief request. It shows this, $1,363.47 adjusted gross income, making Appellant eligible for Department of Aging, City of New York rules revising the rent to $734.90 as of January 1, 2003. The naming as Parties affected by this Petition, HARRY MACKLOWE and ABY ROSEN, as Principals/Respondents who have received as profits from an increase in Appellant's rent from $734.90 in December, 2001 to $1,351.38 effective January 1, 2005, is justified by Appendices J, 2001 rent, K, 2005 rent, and June 19, 2002 a three-day notice by RAM I, LLC by ABY ROSEN as principal. HARRY MACKLOWE is the principal of CLASSIC REALTY LLC which sends the monthly rent bills payable to CLASSIC REALTY, AS AGENT for RAM I, LLC. HARRY MACKLOWE "joined the issue" of this appeal by joining the Department of Aging Respondent July 22, 2002, Appendix I, and August 2, 2002, Appendix J, with certified mail letters to the Department of Aging accusing "John Steel" and "John A. Steel" of fraud on the Respondent Department of Aging , City of New York, both appendices claiming fraud by the Appellant falsifying his income without proof of same.

REASONS FOR GRANTING THE WRIT

Granting this Petition for a Writ of Certiorari will decide the constitutionally of the "Urstadt law" which has not been decided by this Court, only by the state appellate court and not its Court of Appeals, although adversarial papers were filed in the latter court by the Respondents City of New York and State of New York by its Attorney General. The Petition will determine the rights of the citizens of New York City as to control by its city-wide elected city council dealing with rent control regulations, and take that out of the control of state citizens not living in New York City but upstate in the Adirondacks Mountains or rural areas, who vote and elect their state legislators. It will create a dictum applicable to all other states adopting housing rent control regulations. A recent example of its pertinence is Cambridge, Massachusetts, a part of Boston like the Bronx is part of New York City. Abolition of rent control on information and belief has affected many residents and landlords of Cambridge rasing affordable rents and taxes, and by rasing the taxes received by the City of Boston "to the benefit of the City of Boston but to the detriment of rental payers whose rents were raised". That issue is a "cousin" to the issue of eminent domain affecting taxes of residents of the City of New London, in the *Kelo* v. *City of New London*, 162 Law. ED. 2d 439 case, recently before this Court and now coming before about twenty state legislatures for statutes to delete the effect of *Kelo* v. *City of New London*, 162 Law. ED. 2d 439 Supreme Court Case. The principle of sovereign immunity is involved in this case and needs to be determined by the Supreme Court, whether or not a citizen can sue the City of New York or the State of New York. This principle has evolved over the centuries and was argued by the respondents' attorneys, for the City and State of New York, who argued that appellant could not sue the Coty and State of

New York because of the principle of sovereign immunity. The appellant relies on the dictum expressed in the dissent of Justice Harry Blackmun in the Supreme Court Case of 1989, *DeShaney v. Winnebago County Department of Social Services,* 489 US 189 (1989) case, where Justice Blackmun declared that if the citizen suffers damages he should be able to sue for his personal damages freed from the principle of sovereign immunity invoked in previous appeals by attorneys on behalf of the City and State of New York in the Appellate Division Court of Appeals for whom Certiorari is asked.

The principle of the one-man-one vote in state elections bears upon the voting right act in the following cases:

Baker v. Carr, 369 US 186 (1962), one man-one vote state redistricting; *DeShaney v. Winnebago County Department of Social Services,* 489 US 189 (1989); *Gray v. Sanders*, 372 US 186 (1962), one man-one vote state redistricting; *Gomillion v. Lightfoot*, 364 US 339 (1960), one man-one vote state redistricting; *Kirkpatrick v. Preisley*, 394 US 529 (1969), one man-one vote state redistricting; *Lucas v. Colorado*, 44th General Assembly, 377 US 713 (1964), one man-one vote state redistricting *Avery v. Midland County,* 390 US 474 (1978), one man-one vote state redistricting; *Reynolds v. Sims*, 377 US 533 (1964), one man-one vote state redistricting; *In the matter of Dred Scott*, 60 US 393, 1857, dictum that the laws of the home residence state or territory of a litigant determine his or her effective and applicable rights under the federal Constitution; *Wesberry v. Sanders*, 376 US 1 (1964), one man-one vote state redistricting; *Kelo v. City of New London*, 162 Law. ED. 2d 439, mandating that the benefits of tax increases by the City of New London by the building of a apartment house outweigh the loss of a home by the homeowner Ms. Kelo.

CONCLUSION

This Petition for a Writ of Certiorari should be granted because its resolution one way or the other, will affect the housing rights of not only senior citizens, but all residential renters in all the other states now and in the future who may be affected by eminent domain principle of higher tax benefits to a City, and the resolution and refinement of the principle of sovereign immunity, barring citizens from suing the City and State for relief and applicable damages for that part of the excess rent he was and is required to pay monthly to the principals HARRY MACKLOWE and ABY ROSEN to their profit and the possible consequential losses to the City of New York for tax deductions of refunds paid by these Principals to the Appellant.

December 30, 2005

Respectfully Submitted,

John Albert Steel

John Albert Steel, *Appellant*

LIST OF APPENDICES

A-Order of the Court of Appeals, State of New York, June 29, 2005

B-Certified mail letter, Appellant to New York State Court of Appeals, with receipt Appellant's adversarial motion to the Court of Appeals of New York State April 28, 2005, for permission to appeal the Order of the Appellate Division, New York State, dismissing his appeal January 20, 2005

C-Order and Opinion, Appellate Division of New York State Supreme Court, March 29, 2005

D-New York State Appellate Division Order dismissing Appellant's appeal, January 20, 2005

E-Lower court judgment May 30, 2003 by William A. Wetzel, J, dismissing petition of Appellant in 100951/03 to restore his rent to $734.90, his rent as of December 31, 2001, revised upward January 1, 2002 by the Respondents

F-Letter dated September 28, 2005

G-Order of State of New York December 13, 2004, Office of Rent Administration, setting Appellant's rent at $1,351.38 as of January 1, 2005, with notice "To the Senior Citizen" that he need not pay his rent if he had a disposable income of less than $24, 000 and instructing him apply to the "New York City Department of Aging" if this was so

H-Appellant's 2004 U.S. tax return showing income of $1,363.42

I-Provision of Respondent Department of Aging item 6, allowing "projected earnings" income if there is an income reduction

J-Update from Appellant's state senator, July, 2005, informing him that allowable income by the Department of Aging Respondent, was now $25,000 by state legislature action, and would increase by $1,000 year through 2009

K-April 15, 1994 Appellant renewal form filed with the Respondent Department of Aging with notice to the Respondent "Classic Properties" as owner, showing rent as $734.90

L-December 1, 2004 Notice from "Classic Realty," HARRY MACKLOWE as principal, that his rent will be $1,351.38 Beginning January 1, 2005

M-June 19, 2002 notice from RAM, LLC, ABY ROSEN as principal, informing Appellant that he will have to give up possession of his apartment unless he pays the excess rent claimed above $734.90 beginning January 1, 2002 on or before June 29, 2002

N-Certified mail letter July 22, 2002, from Respondent Classic Realty as agent for the landlord, by HARRY MACKLOWE as principal, to Respondent Department of the Aging, accusing Appellant of possible fraud because he paid rents using out-of-state bank accounts and thus has "income which he is attempting to conceal"

O-Certified mail letter from Respondent Classic Realty, HARRY MACKLOWE as principal, to Department of Aging Respendent, August 2, 2002, accusing Appellant of fraud

because he had succeeded in paying back rent ABY ROSEN demanded in Exhibit M June 19, 2002 by a Chase bank official check supplemened by a postal money order, copies of which Classic Realty supplied to Respondent City of New York

P-New York State statute Unconsolidated Law, Section 8605, 1971, Local Emergency Housing Rent Control
Act, Section 5, referred to in Appendix D, the Order of the Appellate Division, State of New York being appealed, dated January 20, 2005, as the "Urstadt Law"

Q-Appendix F gives the three decisions requested by a Clerk of the Supreme Court, S. Elliot, by the telephone message namely the New York State Court of Appeals June 29, 2005, the New York State Appellate Division First Department January 20, 2005, and the New York State Appellate Division First Department March 29, 2005. "Under the New York State Constitutional Convention of 1894 the Appellate Division was empowered to act as a court of last resort upon questions of fact and may, in certain instances, make new findings of fact, whereas the Court of Appeals is generally limited to questions of law."
Quotation from 1990 App. Div. 1st Dept. pamphlet describes its legal capacities.

APPENDIX A

State of New York,
Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany on the twenty-ninth day of the June 2005

Present, Hon Judith S. Kaye, Chief Judge, presiding

1-10 Mo. No. 441
In the Matter of John Albert Steel,

Appellant,

v.

Department for the Aging of the City of New York, et al.,

Respondents.

A motion for leave to appeal to the Court of Appeals in the above cause having heretofore been made upon the part of the appellant herein and papers having been submitted thereon and due deliberation having been thereupon had it is

ORDERED, that the said motion be and the same hereby is denied.

---

s/
Stuart M. Cohen
Clerk of the Court

APPENDIX B

John Albert Steel
215 East 73rd St. - Apt. 3E
New York, NY 10021
212-535-9212 (I may be away part of next two weeks)
Cell phone - 646-206-4917 (takes messages wherever I am)

New York State of Court of Appeals
20 Eagle Street
Albany, New York 12207-1095

April 30, 2005

Attention: Motions Department,
Ms. Suzanne Aardo, manager

Re: Motion for Permission to Appeal filed April 28, 2005, returnable May 9, 2005

John Albert Steel
v.
City of New York , Department of Aging

The State of New York

Subject: Briefs filed in the Appellate Division

Certified mail, return receipt requested

Dear Sirs:

Enclosed are copies of all briefs filed in the Appellate Division:

(a) in the appeal filed April 12, 2004 decided January 20, 2005, with an opinion by the Appellate Division, with briefs by both appellees

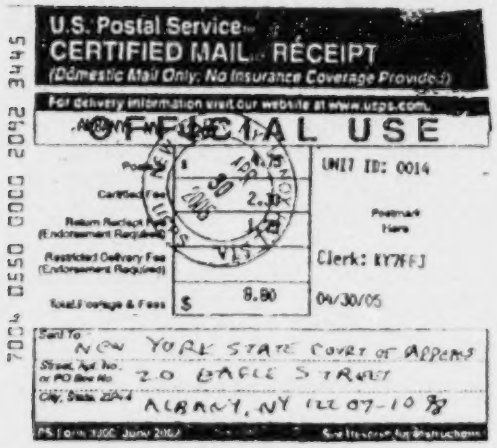
(b) in the motion of reargument or leave to appeal to the Court of Appeals filed February 14, 2005 decided March 29, 2005, without an opinion by the Appellate Division, with briefs by both appellees

I have enclosed the copies (a) and (b) with detachable fasteners, because I am hoping you may want to make copies for the seven judges, which you can do with your copying machines, most of which are automatic machine-fed these days.

Much appreciating your attention,

Very truly yours,

s/_____
John Albert Steel
Appellant



BEST AVAILABLE COPY

APPENDIX B

Notice of Motion for
Permission to Appeal
to the Court of Appeals

John Albert Steel

v.

City of New York Department of Aging
and the State of New York

I. This Motion for Permission to Appeal to the Court of Appeals is being made by John Albert Steel

The return date is May 9, 2005.

ii. The questions presented to the Court of Appeals for review are: See item V for Detail

1. What are fair rules for New York City senior citizen rent exemptions
2. Whether a reduction in income post facto mandates a change in these rules
3. Whether a post facto change in allowance income by the legislature affects these rules
4. Whether income and allowable income changes Rolls back rent Exemptions for NYS
5. Whether citizens are living in New York City can determine rent control in New York City
6. Whether the fourteenth amendment, section 1, invalidates legislative control of New York City Rent control in favor of

the New York City Council.

iii. The order which I am appealing was mailed/personally served on me by the opposing party with notice of entry on April 4, 2005, (A copy of this order must be attached to these papers).

If you moved for permission to appeal to this Court in the Appellate Division, you must complete the statements in the box and attach a copy of the order denying your motion with notice of entry to these papers. If no such motion was first made in the Appellate Division go to paragraph iv on the next page.

The date that I (circle one) mailed/personally served the Appellate Division motion upon the opposing side was February 12, 2005.

The date that the Appellate Division order denying the motion and notice of entry were (circle one) mailed/personally served upon me as April 4, 2005

APPENDIX C

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on March 29, 2005.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Milton L. Williams
Luis A. Gonzalez
John W. Sweeny, Jr.
James M. Catterson, Justices.

----------X

In re John Albert Steel,
Petitioner-Appellant,

-against- M-753
Index No. 100951/03

Department for the Aging of the City of New York, et al.,

----------X

Petitioners-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals form the decision and order of the this Court entered on January 20, 2005 (Appeal No. 5145), and for the other relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:

s/_____ DEPUTY CLERK

APPENDIX D

Mazzarelli, J.P., Williams, Gonzalez, Sweeny, Catterson, JJ.

5145 In re John Albert Steel,
Petitioner-Appellant,

-against-

Department for the Aging of the City of New York, et al.,
Respondents-Respondents.

John Albert Steel, appellant pro se.

Michael A. Cardozo, Corporation Counsel, New York (Deborah A. Brenner of counsel), for municipal respondent.

Eliot Spitzer, Attorney General, New York (Ann P. Zybert of counsel), for state respondent.

Judgment, Supreme Court, New York County (William A. Wetzel, J.), entered June 16, 2003, dismissing this proceeding brought pursuant to CPLR article 78 to annul the denial of a Senior Citizen Rent Increase Exemption, unanimously affirmed, without costs.

Respondent agency's decision to deny petitioner's request for this exemption benefit was neither arbitrary nor capricious, but was rationally based on the facts. There was no violation of due process rights by the court's failure to set forth concrete figures in concluding that the agency's determination was correct and not irrational. The court reviewed the

agency's calculation, finding it based on careful analysis of the documentation and consistent with the rules and regulations. Petitioner's constitutional challenges to the Urstadt law legislative procedures are without merit (*see* Matter of 241 E. 22nd St. Corp. v. City Rent Agency, 33 NY2d 134 [1973]), improperly raised for the first time on appeal (Matter of Wallace v. Environmental Control Bd. Of City of N.Y. 8 AD3d 78 [2004]), and inappropriately raised in an article 78 proceeding (Press v County of Monroe, 50 NY2d 695, 702 [1980]).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: JANUARY 20, 2005

s/_____
CLERK

APPENDIX E

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 50E

----------X

JOHN ALBERT STEEL

Petitioner, DECISION AND JUDGMENT

-against- INDEX NO: 100951/03

DEPARTMENT OF THE AGING

Respondent.

----------X

WILLIAM A. WETZEL, J.:

This is a proceeding pursuant to Article 78 of the CPLR. Petitioner seeks to annul the determination of the respondent denying him Senior Citizen Rent Increase Exemption Benefits.

The issue raised is whether or not petitioner's maximum total disposable income exceeded the ceiling of $20,000.00. A review of an administrative determination is limited to determining whether the interpretation of the statute and regulations by the agency was irrational or unreasonable. *See Pell v. Bd. Of Ed.*, 34 N.Y.2d 222 (1974).

The petitioner raises arguments that are totally irrelevant to the proper calculation according to the regulations. These include the fact that his income is not assured for 2002; some of his earnings were that of an independent contractor and not a wage earner and the percentage of his income that will be required to pay his rent.

A review of the calculation made by the respondent demonstrates that it was done after a careful analysis of the documentation submitted by the petitioner and is consistent with the rules and regulations. Petitioner has therefore totally failed to meet his burden of showing that the determination lacked a rational basis.

The petition is dismissed. This constitutes the Decision and Judgment of his Court.

Dated: New York, NY
May 30, 2003

s/_____
William A. Wetzel
J.S.C.

s/_____
Norman Goodman

APPENDIX F

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

September 28, 2005

John A. Steel
215 East 73rd St.
Apt. 3E
New York, NY 10021

RE: John Albert Steel v. Department for the Aging of the City of New York, et al.

Dear Mr. Steel

Returned are 39 copies of a petition for a writ of certiorari in the above entitled case postmarked on and received on September 26, 2005, which fails to comply with the Rules of this Court.

The cover of the petition must bear the nature of the proceeding and the name of the Court from which the action is brought. Rule 34.1(d)

The text of the petition and appendix must be typeset Roman 11-point or larger type with 2-point or more leading between lines. The typeface of footnotes must be 9-point or larger with 2-point or more leading between lines. Please note that computer generated "Roman" font is smaller than traditional Roman type and you may need to increase the font size. Rule 33.1(b).

All of the pages in the petition and appendix must contain margins of at least three-fourths of an inch on all sides. The text field, including footnotes, may not exceed 4 1/8 by 7 1/8 inches. Rule 33.1(c).

The text of the document must appear on both sides of the pages. Rule 33.1(b).

Question(s) presented must appear on the very first page of the petition. Rule 14.1(a).

The questions presented for review must be followed by the list of parties (if all do not appear on the cover), corporate disclosure statement (if applicable), table of contents, table of authorities, citations of the official and unofficial reports of opinions and orders entered in the case, statement of the basis for jurisdiction, constitutional provisions, treaties, etc., statement of the case, reasons for granting the writ, and the appendix. Rule 14.1.

The lower court caption, showing the name of the issuing court or agency, the title and number of the case, and the date of entry, must be included with the opinion in the appendix to the petition. Rule 14.1(i)(ii)

Kindly correct the petition and appendix so that it complies in all respects with the Rules of the Court and return it to this office promptly so that it may be docketed. Unless the petition is received by this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

This office shall retain one copy of the petition and your check 203 in the amount of $300.00 in expectation of timely receipt of a properly prepared petition.

Enclosed are a copy of the Rules of the Court and memorandum concerning the preparation of a paid petition in booklet format.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,
William K. Suter, Clerk
By:
S. Elliott
(202) 479-3025

Enclosures

Three copies of the corrected petition must be served on opposing counsel. Rule 29.3.

APPENDIX G

State of New York
Division of Housing and Community Renewal
Office of Rent Administration
Web Site: www.dhcr.state.ny.us

Gertz Plaza
92-31 Union Hall Street
Jamaica, NY 11433
(718) 739-6400

Docket Number:
RF 4258118R

Notice Of Maximum Collectible Rent:
Effective January 1, 2005

Mailing Address of Tenant:

Name: Steel

Number/Street: 215 East 73rd St Apt No: 3E

City,
State, Zip Code: New York, NY 10021

Mailing Address of Owner/Agent:

Name: Mr. Stanley Leibowitz
c/o Classic Realty LLC,

Number/Street: 400 Park Avenue, 6th floor

City,
State, Zip Code: New York, NY 10022

Subject Building:

215 East 73rd St. — 3E — New York, NY 10021
Number and Street — Apartment Number — City, State, Zip Code

To The Owner

1. This form is used for a building which received either a 2004-05 Order of Eligibility (Form RO-30-MBR) or a 2004-05 Computed Order of Eligibility (Form RO-30C-MBR) issued by the New York State Division of Housing and Community Renewal (DHCR) establishing Maximum Base Rent (MBR) increases effective prior to January 1, 2005. This form computes the 2005 Maximum Collectible Rent (MCR) and if necessary adjusts the 2004-05 Maximum Base Rent.

2. A signed copy of this Notice must be prepared and served on each rent controlled tenant of the subject building before any increase computed on the reverse side is collectible. Failure to serve this Notice within 60 days of January 1, 2005 or of the issue date of 2004-05 Order of Eligibility, whichever is later, causes this increase to be collectible prospectively only.

3. A 2005 Maximum Base Rent Master Building Rent Schedule Form RMB-2005 listing the rental information for all rent controlled apartments in the subject building must be filed with DHCR within 30 days after this Notice has been served on the tenant. Failure to file may result in revocation of this increase.

4. The information listed on the latest MBR Order of Eligibility must be used to complete this form even if the order is under challenge or Petition for Administrative Review. If a determination results in a corrected 2004 MBR Order, corrected copies of this Notice must be served on the tenants and a corrected Master Building Rent Schedule must be filed with DHCR.

To The Tenant

5. You must have been served previously with the following documents before this form can be used for computing any additional rent increases:

   A copy of 2004-05 Order of Eligibility (Form RO-30-MBR) or Computed Order of Eligibility (Form RO-30C-MBR) containing the DHCR Docket Number, plus

   A Notice of Increase on 2004-05 Maximum Base Rent and Maximum Collectible Rent Computation (Short Form) RN-26S or (Long Form) RN-26.

6. If you do not understand or agree with the owner's computations, request an explanation from the owner. If you do not receive a satisfactory explanation, you may submit a "Tenant's Complaint of Rent and/or Other Specific Overcharges in Rent Controlled Apartments" (DHCR Form RA-89C).

7. Any appropriate retroactive increase in rent under this Notice (see Number 3 above) shall be paid in installments equal to the number of months between January 1, 2005 and your next rent payment date. At your option, you may pay the retroactive amount as a lump sum.

To The Senior Citizen

Senior Citizens with currently valid Rent Increase Exemption Orders need not pay that part of the rent increase which causes the Maximum Collectible Rent to exceed one-third of their monthly disposable income. A currently valid Rent Increase Exemption Order is renewed automatically for six months, during which time the tenant must have completed and filed the Annual Recertification Application with the New York City Department for the Aging.

Senior Citizens, including Supplemental Security Income (SSI) recipients 62 years of age or older with aggregate household net disposable income of $24,000 or less who do not have rent increase exemption orders may be eligible for an exemption from this rent increase. Contact the New York City Senior Citizen Rent Increase Exemption (SCRIE) Program at (212) 442-1000 for further information.

RN 26e 1 (5/04)

Part A - Eligibility

The following information must be copied from the 2004-05 Order of Eligibility or Computed Order of Eligibility.

Effective Date: 01/01/04 Issue Date: 04/08/04 Docket Number: RE423-11 RR

c. If the Effective Date of the 2004-05 MBR Order is after December 31, 2004, do not use this form. Use either form RH-26S or form RH-26 to compute collectible increases allowed during the 2004-05 MBR cycle.

The Fuel Cost Adjustment is a separate component of rent and is not to be added to the MBR or MCR for the purposes of the adjustments shown below.

Part B - Computation Of Adjusted 2005 Maximum Base Rent

1. Enter Adjusted 2004 Maximum Base Rent. (This amount appears on the 2004 Master Building Rent Schedule in column titled "Adjusted 2004 Maximum Base Rent" and on Line 3 of Notice of Increase Form RH-26S or Line 9 of Notice of Increase Form RH-26). $ 1,353.80 (1)

2. Enter net total of all services, equipment and major capital improvement rent adjustments (increases and decreases) granted between January 1, 2004 and December 31, 2004. If labor cost rent adjustments were granted herein January 1, 2004 and December 31, 2004, include in this net total the appropriate monthly Labor Cost Adjustment Modification that appeared on the Labor Cost Order(s). Do not include Fuel Cost Adjustments. $ -0- (2)

3. Adjusted 2005 Maximum Base Rent (Total of Lines 1 and 2). $ 1,353.80 (3)

Part C - Computation of 2005 Maximum Collectible Rent

4. Enter Maximum Collectible Rent on December 31, 2004. Do not include Fuel Cost Adjustments. $ 1,241.75 (4)

5. Multiply Line 4 by 1.075 $ 1,334.88 (5)

6. Maximum Collectible Rent on January 1, 2005. (If Line 4 is greater than Line 3, enter the amount from Line 4. Otherwise enter the amount from Line 3 or Line 5, whichever is less.) $ 1,334.88 (6)

Enter net total of all service, equipment, major capital improvement and labor cost rent adjustments (increases or decreases) granted between January 1, 2005 and the date of this Notice. Do not include Fuel Cost Adjustments. $ -0- (7)

8. Current Maximum Collectible Rent Without Senior Citizen Exemption and Fuel Cost Adjustment. (Total of Lines 6 and 7.) $ 1,334.88 (8)

9. Enter Fuel Cost Adjustment (Without Senior Citizen Exemption). $ 16.50 (9)

10. Rent Payable by Tenant (Total of Lines 8 and 9). $ 1,351.38 (10)

To Senior Citizens:

11. If the tenant has a valid Senior Citizen Rent Increase Exemption Order the Maximum Collectible Rent is. (Owner, enter amount if tenant has current valid exemption.) $ _____ (11)

12. Enter that portion of Fuel Cost Adjustment payable by senior citizen who has a current valid exemption. If none, enter -0-. $ _____ (12)

Part D - Affirmation and Certification

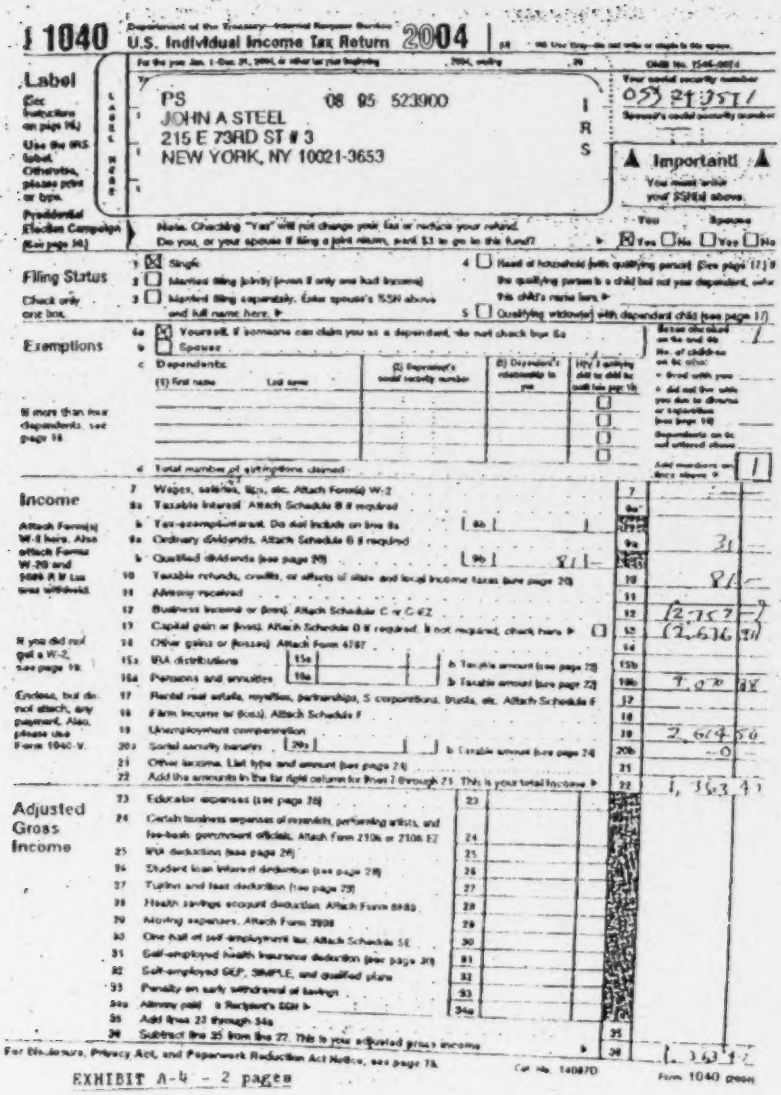
Subject Building: 215 East 73rd Street (Number and Street) 3E (Apartment Number) New York, NY 10021 (City, State, Zip Code)

I Stanley Leibowitz (Owner print name) the owner or Vice President (Indicate appropriate title) affirm under penalties provided by law, that the computations and statements made on this form are true and correct to the best of my knowledge and belief based on Orders received from the Office of Rent Administration, and that I am maintaining and will continue to maintain all essential services furnished or required to be furnished to the subject building.

12/19/2004 Signature of Owner, Officer or Agent Stanley Leibowitz Vice President

RH-26a.1 (5/04)

APPENDIX H



1040 U.S. Individual Income Tax Return 2004

Label
PS 08 95 523900
JOHN A STEEL
215 E 73RD ST # 3
NEW YORK, NY 10021-3653

Your social security number: 053 21 9571

Important!

Filing Status
Check only one box.
1 [X] Single
2 [ ] Married filing jointly (even if only one had income)
3 [ ] Married filing separately. Enter spouse's SSN above and full name here.
4 [ ] Head of household (with qualifying person). (See page 17.)
5 [ ] Qualifying widow(er) with dependent child (see page 17)

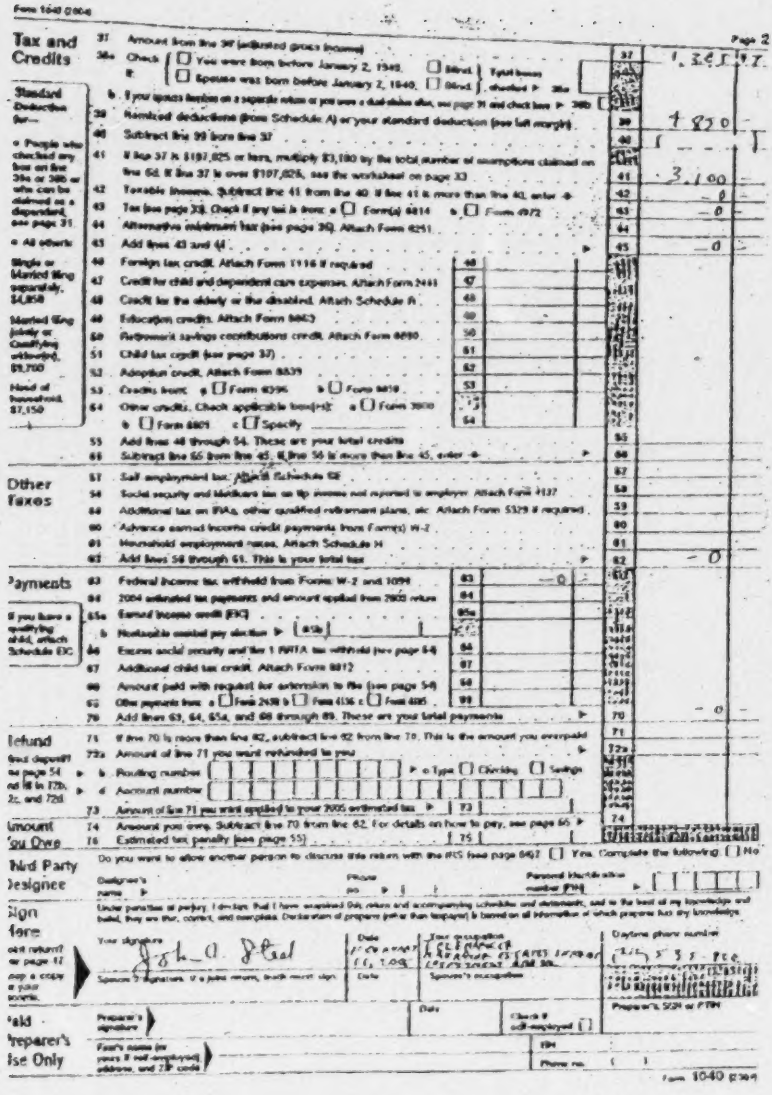
Exemptions
6a [X] Yourself. If someone can claim you as a dependent, do not check box 6a
b [ ] Spouse
c Dependents:
(1) first name / Last name | (2) Dependent's social security number | (3) Dependent's relationship to you | (4) ✓ if qualifying child for child tax credit (see page 19)
d Total number of exemptions claimed

Income
7 Wages, salaries, tips, etc. Attach Form(s) W-2 — 7 —
8a Taxable interest. Attach Schedule B if required — 8a —
b Tax-exempt interest. Do not include on line 8a — 8b —
9a Ordinary dividends. Attach Schedule B if required — 9a 31 —
b Qualified dividends (see page 29) — 9b —
10 Taxable refunds, credits, or offsets of state and local income taxes (see page 29) — 10 81 —
11 Alimony received — 11 —
12 Business income or (loss). Attach Schedule C or C-EZ — 12 12,757 —
13 Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ [ ] — 13 12,636 —
14 Other gains or (losses). Attach Form 4797 — 14 —
15a IRA distributions — 15a — b Taxable amount (see page 32) — 15b —
16a Pensions and annuities — 16a — b Taxable amount (see page 32) — 16b 7,920 —
17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E — 17 —
18 Farm income or (loss). Attach Schedule F — 18 —
19 Unemployment compensation — 19 —
20a Social security benefits — 20a — b Taxable amount (see page 34) — 20b —
21 Other income. List type and amount (see page 34) — 21 2,674 —
22 Add the amounts in the far right column for lines 7 through 21. This is your total income ▶ — 22 1,363 41

Adjusted Gross Income
23 Educator expenses (see page 36) — 23 —
24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ — 24 —
25 IRA deduction (see page 36) — 25 —
26 Student loan interest deduction (see page 38) — 26 —
27 Tuition and fees deduction (see page 39) — 27 —
28 Health savings account deduction. Attach Form 8889 — 28 —
29 Moving expenses. Attach Form 3903 — 29 —
30 One-half of self-employment tax. Attach Schedule SE — 30 —
31 Self-employed health insurance deduction (see page 40) — 31 —
32 Self-employed SEP, SIMPLE, and qualified plans — 32 —
33 Penalty on early withdrawal of savings — 33 —
34a Alimony paid b Recipient's SSN ▶ — 34a —
35 Add lines 23 through 34a — 35 —
36 Subtract line 35 from line 22. This is your adjusted gross income ▶ — 36 1,363 41

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see page 78. Cat. No. 11320B Form 1040 (2004)

EXHIBIT A-4 - 2 pages



Form 1040 (2004)

Page 2

Tax and Credits

37 Amount from line 39 (adjusted gross income) — 37: 1,351 97

38a Check { ☐ You were born before January 2, 1940. ☐ Blind. } Total boxes checked ▶ 38a
b { ☐ Spouse was born before January 2, 1940. ☐ Blind. } checked ▶ 38b

b If your spouse itemizes on a separate return or you were a dual-status alien, see page 31 and check here ▶ 38b ☐

39 Itemized deductions (from Schedule A) or your standard deduction (see left margin) — 39: 4,850

40 Subtract line 39 from line 37 — 40: 1,351 97

41 If line 37 is $107,025 or less, multiply $3,100 by the total number of exemptions claimed on line 6d. If line 37 is over $107,025, see the worksheet on page 33 — 41: 3,100 —

42 Taxable income. Subtract line 41 from line 40. If line 41 is more than line 40, enter -0- — 42: 0 —

43 Tax (see page 33). Check if any tax is from: a ☐ Form(s) 8814 b ☐ Form 4972 — 43: 0 —

44 Alternative minimum tax (see page 35). Attach Form 6251 — 44:

45 Add lines 43 and 44 — 45: 0 —

Standard Deduction for—
- People who checked any box on line 38a or 38b or who can be claimed as a dependent, see page 31.
- All others:

Single or Married filing separately, $4,850

Married filing jointly or Qualifying widow(er), $9,700

Head of household, $7,150

46	Foreign tax credit. Attach Form 1116 if required	46
47	Credit for child and dependent care expenses. Attach Form 2441	47
48	Credit for the elderly or the disabled. Attach Schedule R	48
49	Education credits. Attach Form 8863	49
50	Retirement savings contributions credit. Attach Form 8880	50
51	Child tax credit (see page 37)	51
52	Adoption credit. Attach Form 8839	52
53	Credits from: a ☐ Form 8396 b ☐ Form 8859	53
54	Other credits. Check applicable box(es): a ☐ Form 3800 b ☐ Form 8801 c ☐ Specify	54
55	Add lines 46 through 54. These are your total credits	55
56	Subtract line 55 from line 45. If line 56 is more than line 45, enter -0-	56

Other Taxes

57	Self-employment tax. Attach Schedule SE	57
58	Social security and Medicare tax on tip income not reported to employer. Attach Form 4137	58
59	Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	59
60	Advance earned income credit payments from Form(s) W-2	60
61	Household employment taxes. Attach Schedule H	61
62	Add lines 56 through 61. This is your total tax	62: -0-

Payments

63	Federal income tax withheld from Forms W-2 and 1099	63: -0-
64	2004 estimated tax payments and amount applied from 2003 return	64
65a	Earned income credit (EIC)	65a
b	Nontaxable combat pay election ▶ [65b]	
66	Excess social security and tier 1 RRTA tax withheld (see page 54)	66
67	Additional child tax credit. Attach Form 8812	67
68	Amount paid with request for extension to file (see page 54)	68
69	Other payments from: a ☐ Form 2439 b ☐ Form 4136 c ☐ Form 8885	69
70	Add lines 63, 64, 65a, and 68 through 69. These are your total payments	70: -0-

If you have a qualifying child, attach Schedule EIC.

Refund

71	If line 70 is more than line 62, subtract line 62 from line 70. This is the amount you overpaid	71
72a	Amount of line 71 you want refunded to you	72a
b	Routing number [ ] ▶ c Type: ☐ Checking ☐ Savings	
d	Account number [ ]	
73	Amount of line 71 you want applied to your 2005 estimated tax ▶ [73]	73

Direct deposit? See page 54 and fill in 72b, 72c, and 72d.

Amount You Owe

74	Amount you owe. Subtract line 70 from line 62. For details on how to pay, see page 55 ▶	74
75	Estimated tax penalty (see page 55) [75]	

Third Party Designee

Do you want to allow another person to discuss this return with the IRS (see page 56)? ☐ Yes. Complete the following. ☐ No

Designee's name ▶ [ ] Phone no. ▶ ( ) [ ] Personal identification number (PIN) ▶ [ ]

Sign Here

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return? See page 17. Keep a copy for your records.

Your signature: [signature] Date: [illegible] Your occupation: [illegible] Daytime phone number: [illegible]

Spouse's signature. If a joint return, both must sign. Date: Spouse's occupation:

Paid Preparer's Use Only

Preparer's signature: Date: Check if self-employed ☐ Preparer's SSN or PTIN:

Firm's name (or yours if self-employed), address, and ZIP code: EIN: Phone no. ( )

Form 1040 (2004)

APPENDIX I

4. This information should be found on your lease. However, if you don't know, ask your landlord to help you fill out these sections.

5. List information for all members of your household. State their relationship to you (spouse, mother, brother, sister, friend, etc.).

6. List all sources of income for the previous year for yourself and the individuals you listed above. Use annual amounts. You do not need to list income for roomers or boarders, but you do need to list the amount of rent they pay you. Attach another sheet if you need more space. If you recently retired, use your projected earnings as your income.

7. List taxes and other allowable deductions made from your annual gross household income. These would be federal, state and city income taxes and Social Security taxes; plus court ordered payments, such as alimony or child support.

8. Carefully read the "Tenant Affirmation and Income Disclosure" statement. Sign and date the application. It can not be processed without your signature.

9. (For examples of the documents to attach, see the SCRIE Application Checklist on page 22 and the sample documents in the Sample Documents Appendix beginning on page 23. Attach **copies** of all the required documents to the form. Make copies of everything for your files. Be sure to keep original documents such as a passport or a birth certificate. Send only copies with your application.

10. Drop off or mail the completed application package to the SCRIE Office.

WHAT HAPPENS AFTER I APPLY?

After receiving your application, SCRIE will send you an acknowledgment letter assigning you a docket number. This docket number is important. It is used to identify your personal SCRIE record. Have it handy whenever you call the information and Referral Helpline.

Your landlord also will receive a notice informing him or her that you have applied for SCRIE. The landlord is asked to complete a form that provides the SCRIE processing unit with specific information about your building.

You do not need your landlord's permission to participate in SCRIE. Your eligibility is based upon your application and supporting documents.

Your application will go through several levels of review. This is to ensure that you have provided all the information required to determine if you are eligible, as well as the proper amount of your exemption.

If any information is missing from your application, SCRIE will send you a notice requesting the documentation you must provide. This, of course, delays the process. Applications that are **complete, with all support documentation,** will be processed promptly. Then SCRIE can calculate an appropriate exemption and prepare a corresponding tax abatement for your landlord.

DFTA will notify you when the processing of your application is complete. However, if you wish to check the status of your application, you may call the SCRIE 24-hour Information and Referral Helpline at 212-442-1000. Enter your docket number and you'll receive an instant update.

TENANT INFORMATION

APPENDIX J

✓ **Lobbying reform:** Significant lobbying reforms were passed, including required reporting when lobbyists attempt to influence the awarding of government contracts, and imposing a ban on such lobbying during contracting periods. This would prevent recurrence of the famous phone call made to the Metropolitan Transportation Authority to influence the granting of a major construction contract—for which he charged the construction company $500,000. (When conservatives rail on about high taxes and the cost of doing business in New York State, remember this kind of 'lobbying tax'!)

✓ **Public authorities reform:** On the final day of session the legislature passed a bill that substantially improves oversight of the 733 state and local Public Authorities (including the MTA). An Inspector General was created who can conduct investigations; reporting requirements were increased; and now authorities are required to receive at least fair market value for any assets they sell. This last is an important reform in light of the MTA's efforts to sell the air rights over the West Side Railyard for a song, or the Canal Authority's attempt to sell development rights along the Erie Canal for $30,000.

✓ **Ethics reform:** We closed a significant loophole in state ethics law which had allowed state employees to avoid criminal prosecution by resigning. Since 1995, fifty investigations have been brought to a premature end by this loophole. I'm disappointed that more comprehensive ethics reform wasn't passed -- more stringent limits on gifts to state employees, for example—but I am pleased that the legislature acted to close this particularly outrageous loophole.

✓ **Expansion of SCRIE:** Two long overdue expansions of the Senior Citizen's Rent Increase Exemption Program (SCRIE) were passed. SCRIE was extended to people with disabilities with incomes of $17,000 or less for singles and $24,000 for couples. In addition, the income limits for seniors have been increased by $1000 to $25,000 for this year and will continue to increase by $1000 a year to $29,000 in 2009. Both changes have also been approved by the City Council. These bills establish good precedents for making SCRIE an even more important part of a broader strategy to preserve existing affordable housing in New York City. For information on applying for senior or disabled rent exemptions, call my office at 490-9535.

✓ **Emergency contraception:** The Senate finally joined the Assembly in passing legislation granting women access to emergency contraception, known as the 'morning after pill.' I am disappointed to report that Gov. Pataki has vetoed the bill; it will now be necessary for the legislature to attempt to override the veto before the end of the year.

The bill would allow pharmacists and registered nurses to dispense emergency contraception pills directly to women. The drug is a higher dose of the hormone contained in standard birth control pills, does not induce an abortion, and can reduce the risk of pregnancy by up to 89% if the first dose is taken within 72 hours of unprotected intercourse, intercourse where a condom fails, or a sexual assault. The Guttmacher Institute estimates that up to 51,000 abortions were prevented in the year 2000 through the use of emergency contraception. Unintended pregnancies will decrease dramatically as states like New York make emergency contraception more readily available.

✓ **Fighting hospital-acquired infection:** The Centers for Disease Control estimates that more than 90,000 Americans die from hospital acquired infections each year—more than are killed by auto accidents and homicides combined. This session legislation passed that is a small step toward addressing this basic quality control problem; it requires hospitals to report infection rates so that consumers will be in a better position to evaluate the safety of care and motivate hospitals to improve procedures and reduce their infectious rates.

✓ **Interstate wine sales:** This spring, the U.S. Supreme Court declared unconstitutional laws which prevented out-of-state wineries from shipping their goods directly to customers within New York—even though in-state wineries had the freedom to do so. The legislature passed new legislation allowing both in-state and out of state wineries to ship up to 36 cases of wine annually directly to consumers. This allows consumers a greater choice of product at a better price and also supports small vineyards without major distribution options to have greater access to more customers.

APPENDIX K

The City of New York
DEPARTMENT FOR THE AGING
Bureau of Benefits and Entitlements
Senior Citizens Rent Increase Exemption Program (SCRIE)
130 William Street, New York 10038

DOCKET NO.: 722991C

DATE: 2/22/99

19 99 SENIOR CITIZEN RENT INCREASE EXEMPTION RENEWAL APPLICATION

OWNER:

CLASSIC PROPERTIES

551 MADISON AVE
NEW YORK NY 10022

TENANT:

JOHN STEEL
APT 3E
235 EAST 73 ST
MANHATTAN NY 10021

To renew your eligibility for Rent Increase Exemption/Abatement you must fill out this form and SIGN IT BELOW. Return the completed form immediately. IF YOU FAIL TO DO SO, YOUR EXEMPTION/ABATEMENT WILL NOT BE RENEWED.

SEE INSTRUCTIONS ON THE REVERSE SIDE

PART A

1. Is there a change in the number of members in your household? YES ___ NO X
   If so, explain: _____
2. Do you or other members of your household receive welfare? YES ___ NO X
3. The monthly amounts of Social Security benefits currently being received by you and family members of your household is: Myself $ 533.60 Spouse $ ___
   Other family members $ _____
4. How much was the household income from wages, bank interest, stock dividends, Veteran's benefits, union pensions, boarder, etc. during the last calendar year: $ 6,077.30
5. The annual income of your entire household for the year 1997 was $ 12,911.50

PART B

1. As of 12/31/98 the monthly rent paid to the owner was $ 734.90
2. As of 12/31/98 the monthly amount of your senior citizen rent exemption was $ 88.20
3. As of 01/01/99 the monthly rent was adjusted by $ ___ due to:
   MCR $ 878.61 FUEL CHARGE $ 5.79
   MCI $ ___ EQUIPMENT $ ___
   OTHER $ ___ IF SO EXPLAIN: ___ NEW RENT PAID STILL 734.90 NEW BASIC CHARGE 878.61
4. MAILING ADDRESS IF DIFFERENT FROM ABOVE:

AFFIRMATION

I have read the foregoing and I hereby affirm under the penalties provided by law that the contents thereof are true, correct and complete to the best of my knowledge. Further, I understand that all parts of this application are subject to verification and that I may be required to provide documentation or other evidence, as requested by the Department in support of this application.

John A. Steel — JOHN A. STEEL — 212-535-9411 — 01/13/99

SIGNATURE OF TENANT — PRINT NAME AS SIGNED AT LEFT — TELEPHONE NUMBER — DATE

CAC REV 10/97

TENANT

APPENDIX L

CLASSIC REALTY

December 1, 2004

2005 MAXIMUM BASE RENT INCREASES

Dear Tenant:

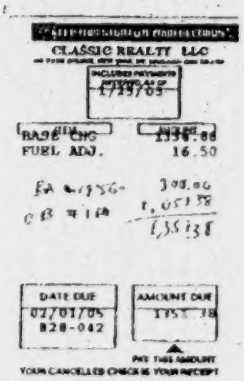
Enclosed please find the Notice of Maximum Collectible Rent: Effective January 1, 2005 (form RN-26s.1)

Please be advised that your new monthly base rent (if applicable) will be reflected on your January 2005 rent statement.

If you should have any questions, please do not hesitate to contact the undersigned at (212) 223-1700.

Very truly yours,

Lynne Di Capua
Director of Leasing



APPENDIX M

NOTICE TO TENANT
THREE DAY NOTICE

JOHN ALBERT STEEL
215 East 73rd Street
APT. 3-E
New York, NY 10021

PLEASE TAKE NOTICE that you are hereby required to pay to RAM I, LLC., landlord of the above described premises, the sum of $3,197.76 for rent of the premises as follows:

June, 2002	$1,123.76	Rent
June, 2002	$ -28.44	FUEL CREDIT
	$392.00	Rent-MDR
May, 2002	$334.02	Rent (resulting From Revocation of SCRIB)
Apr., 2002	$334.52	Rent (resulting From Revocation of SCRIE)
Mar., 2002	$334.52	Rent (resulting From Revocation of SCRIE)
Feb., 2002	$334.52	Rent (resulting From Revocation of SCRIE)
Jan., 2002	$334.52	Rent (resulting From Revocation of SCRIE)

You are required to pay this sum on or before June 29, 2002 that day being no less than three days from the day of service of this notice, or to give up possession of the premises to the landlord. If you fail to pay or to give up the premises, the landlord will commence summary proceedings against you to recover possession of the premises.

NOTA DE TRES DIAS

POR FAVOR SIRVASE A TOMAR NOTA de que usted esta requerido, por este medio, de pagar a RAM I, LLC., duenos de las propiedades arriba descrita por la suma de $3197.76 por la renta de las propiedades:

June, 2002	$1,123.76	Rent
June, 2002	$ -28.44	FUEL CREDIT
	$392.00	Rent-MDR
May, 2002	$334.02	Rent (resulting From Revocation of SCRIB)
Apr., 2002	$334.52	Rent (resulting From Revocation of SCRIE)
Mar., 2002	$334.52	Rent (resulting From Revocation of SCRIE)
Feb., 2002	$334.52	Rent (resulting From Revocation of SCRIE)
Jan., 2002	$334.52	Rent (resulting From Revocation of SCRIE)

Usted esta requerido de pagar esta suma antes o en esta fecha June 29, 2002, esta fecha no siendo menos de los tres dias al recibo esta nota, o entregar al dueno la posicion de dichas propiedades. Si usted falla en pagar o en entregar las propiedades, el dueno de las propiedades le vera obligado a proceder legalmente para recuperar las posesion de dichas propiedades.

Dated: New York, New York
June 19, 2002

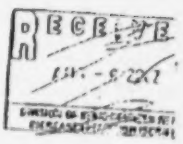
RAM I LLC
BY: CLASSIC VENTURE LLC, MEMBER
(Landlord)

By _____
ABY ROSEN
MEMBER

APPENDIX N

CLASSIC REALTY

CERTIFIED MAIL # 7000 1670 0009 1265 6022



July 22, 2002

The City of New York
Department For The Aging
Bureau of Senior Assistance and Benefits
Senior Citizen Rent Increase Exemption Program (SCRIE)
2 Lafayette Street, 6th Floor
New York, New York 10007-1392

Re: John Steel
215 East 73rd Street, Apartment 3E, New York 10021
Docket # 1991-722801C

ATTENTION: SCRIE FRAUD DEPARTMENT

Gentlemen:

Under an order issued dated June 4, 2002 the above referenced tenant's SCRIE benefits were revoked, retro active back to January 1, 2002.

The tenant advised me that he would be filing an appeal against the revocation order, when you are considering his appeal the following information may be helpful in your making a determination.

A) Tenant issues rent checks from a bank located 1900 Avenue of the stars, Los Angeles, California
B) Tenant issues rent checks form the National Bank of Texas, Dallas, Texas
C) Tenant issues rent checks from the First National Bank of Chicago, Chicago, Illinois
D) Tenant acknowledged in Housing Court on Friday, July 19, 2002 that he is part time game fully employee

It appears from the various bank accounts he may have income which he's attempting to conceal.

Very truly yours,

Stanley Leibowitz
Vice President

CLASSIC REALTY LLC · 600 PARK AVENUE · NEW YORK, NY 10022 · TEL (212) 223-3700 · FAX (212) 223-3467 · E-MAIL classic@nj

APPENDIX O

CLASSIC REALTY

CERTIFIED MAIL # 7000 1670 0009 1285 5872

RECEIVED
AUG - 6 2002
DIVISION OF SENIOR CITIZEN RENT INCREASE EXEMPTION (SCRIE)

August 2, 2002

Revoke 6/3/02
DKT 722801C

The City of New York
Department for the Aging
Bureau of Senior Assistance and Benefits
Senior Citizen Rent Increase Exemption Program (SCRIE)
2 Lafayette Street, 6th Floor
New York, New York 10007-1392
Attention: SCRIE Fraud Department

RE: John A. Steel
215 East 73rd Street, Apartment 3E, NY, NY 10021
Docket # 1991-722801C

Gentlemen:

The above referenced in court on this date tendered an official bank check to the landlord in the sum of $5,570.09 and a postal money order in the sum of $29.97. I recently forwarded a letter to you a copy of same is attached. It appears that the tenant has access to cash funds, whenever needed which should be investigated if he proceeds to file an appeal against the recent S.C.R.I.E. revocation order.

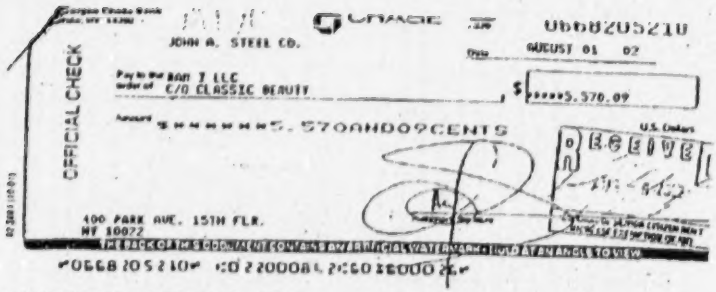
Please note the check in the sum of $5,570.09 which is drawn on the JP Morgan Chase Bank Buffalo New York stating on the face of the check John A. Steel Co.

Very truly yours,

Stanley Leibowitz
Vice President

SL:ml
C:/215 3e

CLASSIC REALTY LLC • 400 PARK AVENUE • NEW YORK, NY 10022 • TEL: (212) 223-1700 • FAX: (212) 223-3667 • E-MAIL: classic@nyapts.com



OFFICIAL CHECK

JOHN A. STEEL CO.

0668205210

AUGUST 01 02

Pay to the Order of RAM 7 LLC
C/O CLASSIC BEAUTY

$ *****5,570.09

U.S. Dollars

*****5,570AND09CENTS

RECEIVED

400 PARK AVE. 15TH FLR.
NY 10022

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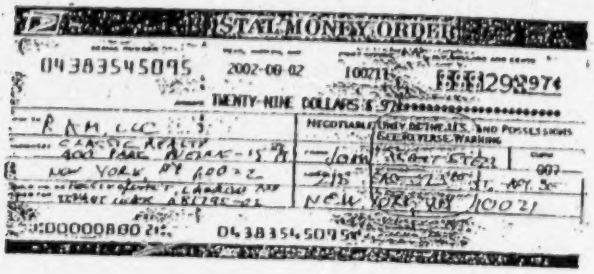

POSTAL MONEY ORDER

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PAY RAM, LLC

CLASSIC REALTY
400 PARK AVENUE - 15TH FL
NEW YORK NY 10022

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APPENDIX P

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unconsolidated law
Sect 9605

1971

Local Emergency Housing Rent Control Act
Sect. 5

5. Authority for local rent control legislation. Each city having a population of one million or more, acting through its local legislative body, may adopt and amend local laws or ordinances in respect of the establishment or designation of a city housing rent agency. When it deems such action to be desirable or necessitated by local conditions in order to carry out the purposes of this section, such city, except as hereinafter provided, acting through its local legislative body and not otherwise, may adopt and amend local laws or ordinances in respect of the regulation and control of residential rents, including but not limited to provision for the establishment and adjustment of maximum rents, the classification of housing accommodations, the regulation of evictions, and the enforcement of such local laws or ordinances. The validity of any such local laws or ordinances, and the rules or regulations promulgated in accordance therewith, shall not be affected by and need not be consistent with the state emergency housing rent control law or with rules and regulations of the state division of housing and community renewal.

Notwithstanding any local law or ordinance, housing accommodations which became vacant on or after July first, nineteen hundred seventy-one or which hereafter become vacant shall be subject to the provisions of the emergency tenant protection act of nineteen seventy-four, provided, however, that this provision shall not apply or become effective with respect to housing accommodations which, by local law or ordinance, are made directly subject to regulation and control by a city housing rent agency and such agency determines or finds that the housing accommodations became vacant because the landlord or any person acting on his behalf, with intent to cause the tenant to vacate, engaged in any course of conduct (including but not limited to, interruption or discontinuance of essential services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his use or occupancy of the housing accommodations. The removal of any housing accommodation from regulation and control of rents pursuant to the vacancy exemption provided for in this paragraph shall not constitute or operate as a ground for the subjection to more stringent regulation and control of any housing accommodation in such property or in any other property owned by the same landlord, notwithstanding any prior agreement to the contrary by the landlord. The vacancy exemption provided for in this paragraph shall not arise with respect to any rented plot or parcel of land otherwise subject to the provisions of this act, by reason of a transfer of title and possession occurring on or after July first, nineteen hundred seventy one of a dwelling located on such plot or parcel and owned by the tenant where such transfer of title and possession is made to a member of the tenant's immediate family provided that the member of the tenant's immediate family occupies the dwelling with the tenant prior to the transfer of title and possession for a continuous period of two years. The term "immediate family" shall include a husband, wife, son, daughter, stepson, stepdaughter, father, mother, father-in law or mother-in law. Notwithstanding the foregoing, no local law or ordinance shall hereafter provide for the regulation and control of residential rents and evictions in respect of any housing accommodations which are (1) presently exempt from such regulation and control or (2) hereafter decontrolled either by operation of law or by a city housing rent agency, by order or otherwise. No housing accommodations presently subject to regulation and control pursuant to local laws or ordinances adopted or amended under authority of this subdivision shall hereafter be by local law or ordinance or by rule or regulation which has not been theretofore approved by the state commissioner of housing and community renewal subjected to more stringent or restrictive provisions of regulation and control than those presently in effect. Notwithstanding any provision of this act to the contrary, any local law adopted pursuant to this act shall provide that notwithstanding any provision of such local law in the case where all tenants occupying the

BEST AVAILABLE COPY

housing accommodation on the effective date of this paragraph have vacated the housing accommodation and a family member of such vacating tenant or tenants is entitled to and continues to occupy the housing accommodation subject to the protections of such act, if such accommodation continues to be subject to such act after such family member vacates, on the occurrence of such vacancy the maximum collectable rent shall be increased by a sum equal to the allowance then in effect for vacancy leases for housing accommodations covered by the rent stabilization law of nineteen hundred sixty-nine, including the amount allowed by paragraph (5-a) of subdivision c of section 26-511 of such law. This increase shall be in addition to any other increases provided for in this act and shall be applicable in like manner to each second subsequent succession. Notwithstanding the foregoing, no local law or ordinance shall subject to such regulation and control any housing accommodation which is not occupied by the tenant in possession as his primary residence; provided, however, that such housing accommodation not occupied by the tenant in possession as his primary residence shall continue to be subject to regulation and control as provided for herein unless the city housing rent agency issues an order decontrolling such accommodation, which the agency shall do upon application by the landlord whenever it is established by any facts and circumstances which, in the judgment of the agency, may have a bearing upon the question of residence, that the tenant maintains his primary residence at some place other than at such housing accommodation

APPENDIX Q

see description on
List of Appendices

The appropriate section
of the Constitution is
on page 29a, although not
list as an Appendix

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of